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HOUSE BILL 191

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Al Park

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR PROVISIONS TO ALLOW A  
VOTER TO REQUEST THAT AN ABSENTEE BALLOT BE SENT TO THE VOTER  
AUTOMATICALLY FOR ALL STATE ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Election Code is enacted  
to read:

"[NEW MATERIAL] ABSENTEE BALLOT APPLICATION--PERMANENT  
EARLY VOTING LIST.--

A. A voter may request to be included on a  
permanent list of voters to receive an absentee ballot for all  
state primary, special and general elections. The county clerk  
of each county shall maintain a permanent early voting list.

B. In order to be included on the permanent early  
voting list, the voter shall make a written request

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1 specifically requesting that the voter's name be added to the  
2 permanent early voting list for all state primary, special and  
3 general elections in which the applicant is eligible to vote.  
4 The application shall allow for the voter to provide the  
5 voter's name, residence address, mailing address in the voter's  
6 county of residence, date of birth and signature. The voter  
7 shall not list a mailing address that is outside of the voter's  
8 county of residence for the purpose of the permanent early  
9 voting list unless the voter is an absent uniformed services  
10 voter or overseas voter.

11 C. On receipt of a request to be included on the  
12 permanent early voting list, the county clerk shall compare the  
13 signature on the request form with the voter's signature on the  
14 voter's registration form and, if the request is from the  
15 voter, shall mark the voter's registration file as a permanent  
16 absentee ballot request.

17 D. Not less than ninety days before a primary  
18 election and ninety days before a general election, the county  
19 clerk shall mail to all voters who are eligible for that  
20 election and who are included on the permanent early voting  
21 list an election notice by nonforwardable mail that is marked  
22 with the statement required by the postmaster to receive an  
23 address correction notification. The notice shall include the  
24 dates of the elections that are the subject of the notice, the  
25 dates that the voter's ballot is expected to be mailed and the

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1 address where the ballot will be mailed. The notice shall be  
2 delivered with return postage prepaid and shall also include a  
3 means for the voter to do any of the following:

4 (1) change the mailing address for the voter's  
5 ballot to another location in the voter's county of residence;

6 (2) update the voter's residence address in  
7 the voter's county of residence; or

8 (3) request that the voter not be sent a  
9 ballot for the upcoming election or elections indicated on the  
10 notice.

11 E. If the notice that is mailed to the voter is  
12 returned undeliverable by the postal service, the county  
13 recorder or other officer in charge of elections shall take the  
14 necessary steps to contact the voter at the voter's new  
15 residence address in order to update that voter's address or to  
16 move the voter to inactive status. If a voter is moved to  
17 inactive status, the voter shall be removed from the permanent  
18 early voting list. If the voter is removed from the permanent  
19 early voting list, the voter shall only be added to the  
20 permanent early voting list again if the voter submits a new  
21 request pursuant to this section.

22 F. Not later than on the first day of absentee  
23 voting, the county clerk shall mail an absentee ballot to all  
24 eligible voters included on the permanent early voting list.  
25 If the voter has not returned the notice or otherwise notified

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1 the election officer within forty-five days before the election  
2 that the voter does not wish to receive an early ballot by mail  
3 for the election or elections indicated, the ballot shall  
4 automatically be scheduled for mailing.

5 G. After a voter has requested to be included on  
6 the permanent early voting list, the voter shall be sent an  
7 early ballot by mail automatically for any election at which a  
8 voter at that residence address is eligible to vote until any  
9 of the following occurs:

10 (1) the voter requests in writing to be  
11 removed from the permanent early ballot list;

12 (2) the voter's registration or eligibility  
13 for registration is moved to inactive status or canceled as  
14 otherwise provided by law; or

15 (3) the notice sent by the county clerk is  
16 returned undeliverable and the county clerk is unable to  
17 contact the voter to determine the voter's continued desire to  
18 remain on the list.

19 H. A voter's failure to vote an absentee ballot  
20 once received does not constitute grounds to remove the voter  
21 from the permanent early voting list."